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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,817	12/16/2003	Patrick Nolan	061270-0889	2881
22428	7590	08/24/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			BRITTAIN, JAMES R	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/735,817

Applicant(s)

NOLAN, PATRICK

Examiner

James R. Brittain

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06082005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Handwritten signature or mark.

## **DETAILED ACTION**

### ***Request for Continued Examination***

A request for continued examination under 37 CFR 1.114 including the fee set forth in 37 CFR 1.17(e) was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17 (e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 8, 2005 has been entered.

### ***Allowable Subject Matter***

The indicated allowability of claims 1, 5, 6, 8 and 9 is withdrawn in view of the newly admitted reference(s) identified as the Peg Perego five point buckle provided by applicant in the information disclosure statement received June 8, 2005 that explicitly states has a date "prior to the effective filing date of the present application". Rejection(s) based on the newly cited reference(s) follow.

Claims 10-12 are allowed.

Claims 2-4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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Claims 1, 5, 8 and 9 are rejected under 35 U.S.C. §102(a) as being clearly anticipated by the Peg Perego five point buckle.

The Peg Perego five point buckle comprises a buckle body having first and second openings, first and second waist strap fasteners having first and second fastener coupling sections, configured for respectively coupling with the first and second openings, and having respective top coupling sections. The top coupling sections are defined by the outermost guide arm that also serves a latching function and one of the inner arms that forms a portion of the inner portion. First and second shoulder strap fasteners having respective bottom coupling sections defining openings that receive the top coupling sections defined by the outermost guide arm and one of the inner arms of the first and second waist strap fasteners. These respective bottom coupling sections couple to the respective top coupling sections to couple in a fixed manner the first waist strap fastener to the first shoulder strap fastener and the second waist strap fastener to the second shoulder strap fastener. In regard to claim 8, the Peg Perego five point buckle clearly shows that each waist strap fastener is configured to slidably engage and disengage with its respective shoulder strap fastener. And as to claim 9, the Peg Perego five point buckle shows that the first and second shoulder strap fasteners are coupled to the first and second waist strap fasteners and the buckle body is coupled to the first and second waist strap fasteners, the buckle body prevents the first and second shoulder strap fasteners from being decoupled from the first and second waist strap fasteners.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over the Peg Perego five point buckle in view of Anscher (US 6393677).

The Peg Perego five point buckle comprises a buckle body having first and second openings, first and second waist strap fasteners having first and second fastener coupling sections, configured for respectively coupling with the first and second openings, and having respective top coupling sections. The top coupling sections are defined by the outermost guide arm that also serves a latching function and one of the inner arms that forms a portion of the inner portion. First and second shoulder strap fasteners having respective bottom coupling sections defining openings that receive the top coupling sections defined by the outermost guide arm and one of the inner arms of the first and second waist strap fasteners. These respective bottom coupling sections couple to the respective top coupling sections to couple in a fixed manner the first waist strap fastener to the first shoulder strap fastener and the second waist strap fastener to the second shoulder strap fastener. The difference is that the buckle body does not include any release button configured for releasing, when pressed, the first and second waist strap fasteners from the buckle by. However, Anscher (figures 1-8) teaches that it is conventional to substitute the release button on the buckle body as shown in figures 1-7 for an embodiment that lacks a release button on the buckle body as shown in figure 8. This provides the advantage of simultaneous release of the waist fastener. As it would have been beneficial to permit simultaneous release of the waist fastener portions on the Peg Perego five point buckle, it would

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have been obvious to modify the Peg Perego five point buckle as suggested by Anscher so as to permit simultaneous release of the waist fastener straps.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB